
SENATE BILL 5831

State of Washington

57th Legislature

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By Senators Swecker, Fairley, Oke, Constantine, Regala, Rasmussen and Hochstatter

Read first time 02/05/2001. Referred to Committee on Natural Resources, Parks & Shorelines.

1 AN ACT Relating to the use of body-gripping traps as they apply
2 to moles, gophers, and mountain beavers; and amending RCW
3 77.15.192 and 77.15.194.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 77.15.192 and 2001 c 1 s 2 (Initiative Measure No.
6 713) are each amended to read as follows:

7 The definitions in this section apply throughout RCW 77.15.194
8 through 77.15.198.

9 (1) "Animal" means any nonhuman vertebrate.

10 (2) "Body-gripping trap" means a trap that grips an animal's
11 body or body part. Body-gripping trap includes, but is not limited
12 to, steel-jawed leghold traps, padded-jaw leghold traps, Conibear
13 traps, neck snares, and nonstrangling foot snares. Cage and box
14 traps, suitcase-type live beaver traps, and common rat (~~and~~),
15 mouse, gopher, and mole traps are not considered body-gripping
16 traps.

17 (3) "Person" means a human being and, where appropriate, a

1 public or private corporation, an unincorporated association, a
2 partnership, a government, or a governmental instrumentality.

3 (4) "Raw fur" means a pelt that has not been processed for
4 purposes of retail sale.

5 (5) "Animal problem" means any animal that threatens or damages
6 timber or private property or threatens or injures livestock or
7 any other domestic animal.

8 **Sec. 2.** RCW 77.15.194 and 2001 c 1 s 3 (Initiative Measure No.
9 713) are each amended to read as follows:

10 (1) It is unlawful to use or authorize the use of any steel-
11 jawed leghold trap, neck snare, or other body-gripping trap to
12 capture any mammal for recreation or commerce in fur.

13 (2) It is unlawful to knowingly buy, sell, barter, or otherwise
14 exchange, or offer to buy, sell, barter, or otherwise exchange the
15 raw fur of a mammal or a mammal that has been trapped in this
16 state with a steel-jawed leghold trap or any other body-gripping
17 trap, whether or not pursuant to permit.

18 (3) It is unlawful to use or authorize the use of any steel-
19 jawed leghold trap or any other body-gripping trap to capture any
20 animal, except as provided in subsections (4), ~~(5)~~, and ~~((+5))~~
21 ~~(6)~~ of this section.

22 (4)(a) The definitions in this subsection (4)(a) apply
23 throughout this subsection unless the context clearly requires
24 otherwise.

25 (i) "Operator" has the same meaning as defined in RCW
26 76.09.020.

27 (ii) "Owner" has the same meaning as "timber owner" as defined
28 in RCW 76.09.020.

29 (iii) "Timber" has the same meaning as defined in RCW
30 76.09.020.

31 (b) Until July 1, 2006, nothing in this section prohibits the
32 use of a number 110 Conibear trap to trap mountain beaver
33 (*Aplodontia rufa*) on land by the owner or operator of commercial
34 timber if nonlethal control tools, including but not limited to
35 fencing, electric fencing, or tree-wrapping, cannot be reasonably
36 applied. Any mountain beaver trapped under this subsection, and the
37 approximate location of the trapping, must be reported to the

1 department on an annual basis. Nothing in this subsection limits
2 the application of subsection (2) of this section to mountain
3 beavers.

4 (5) Nothing in this section prohibits the use of a Conibear
5 trap in water, a padded leghold trap, or a nonstrangling type foot
6 snare with a special permit granted by (~~{the}~~) the director
7 under (a) through (d) of this subsection. Issuance of the special
8 permits shall be governed by rules adopted by the department and
9 in accordance with the requirements of this section. Every person
10 granted a special permit to use a trap or device listed in this
11 subsection shall check the trap or device at least every twenty-
12 four hours.

13 (a) Nothing in this section prohibits the director, in
14 consultation with the department of social and health services or
15 the United States department of health and human services from
16 granting a permit to use traps listed in this subsection for the
17 purpose of protecting people from threats to their health and
18 safety.

19 (b) Nothing in this section prohibits the director from
20 granting a special permit to use traps listed in this subsection
21 to a person who applies for such a permit in writing, and who
22 establishes that there exists on a property an animal problem that
23 has not been and cannot be reasonably abated by the use of
24 nonlethal control tools, including but not limited to guard
25 animals, electric fencing, or box and cage traps, or if such
26 nonlethal means cannot be reasonably applied. Upon making a finding
27 in writing that the animal problem has not been and cannot be
28 reasonably abated by nonlethal control tools or if the tools
29 cannot be reasonably applied, the director may authorize the use,
30 setting, placing, or maintenance of the traps for a period not to
31 exceed thirty days.

32 (c) Nothing in this section prohibits the director from
33 granting a special permit to department employees or agents to use
34 traps listed in this subsection where the use of the traps is the
35 only practical means of protecting threatened or endangered
36 species as designated under RCW 77.08.010.

37 (d) Nothing in this section prohibits the director from issuing

1 a permit to use traps listed in this subsection, excluding
2 Conibear traps, for the conduct of legitimate wildlife research.
3 ~~((5))~~ (6) Nothing in this section prohibits the United States
4 fish and wildlife service, its employees or agents, from using a
5 trap listed in subsection ~~((4))~~ (5) of this section where the
6 fish and wildlife service determines, in consultation with the
7 director, that the use of such traps is necessary to protect
8 species listed as threatened or endangered under the federal
9 endangered species act (16 U.S.C. Sec. 1531 et seq.).

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